

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re: ) Case No. 19-47030-705  
HH ST. LOUIS RAILWAY, LP, ) Honorable Charles E. Rendlen, III  
 ) Chapter 7  
Debtor. ) #10  
 )

**ORDER GRANTING DISMISSAL OF CASE UNDER 11 USC 305**

Before the Court is the Motion of HH St. Louis Railway, L.P. ("HH Railway") to Abstain and Dismiss (the "HH Railway Motion") the above referenced case ("Case") initiated by the filing of an involuntary petition in bankruptcy on or about November 8, 2019. The matter was set for a preliminary telephonic hearing by the Court. Gamma Real Estate Capital LLC ("Gamma") and Cannon Design Inc. ("Cannon Design") each filed a Joinder in Debtor's Motion to Abstain and Dismiss ("Joinder Motions") Appearing at the telephonic hearing of December 12, 2019 were Tal Sant, counsel for the petitioning creditors, David Sosne, counsel for HH Railway and Llynn White, counsel for Gamma. After hearing the announcements of counsel and the consents referenced therein, counsel for HH Railway proffered the facts contained in the Suggestions in Support of Motion to Abstain and Dismiss ("Suggestions"), which petitioning creditors do not contest. Based upon the record in this case, the Court finds that dismissal of the Case is warranted. The Court finds that approximately 90% or more of the dollars of the total debt of HH Railway support dismissal of the case. The Court further finds that in any event, the posting of a bond would have been required in order for an order for relief to have been entered, and that the petitioning creditors were not willing to pay such costs. The ruling of this Court is based on section 305 of the Bankruptcy Code, among other sections. HH Railway concedes that the mere existence of tax credits does not serve as the basis of this Court's ruling. However, the tax credits as exist

today along with the other facts proffered support the Court's findings. Accordingly, the Court rules and enters its Order as follows:

1. There is adequate and appropriate notice for the Court to dismiss the Case and rule on HH Railway's Motion.


2. The Court will abstain from hearing the Case and therefore, for this reason and others set forth above, the Court orders that the Case be dismissed pursuant to section 305(a) of the Bankruptcy Code as dismissal is in the best interests of creditors and HH Railway as of this hearing.

3. The dismissal of the Case is without prejudice of creditors to seek relief under section 303 of the Bankruptcy Code in the future based on material future change in circumstances and without prejudice to HH Railway to contest any subsequent petition.

4. With the dismissal of the Case, the automatic stay under section 362 of the Bankruptcy Code is no longer in effect.

5. All Pending Motions are hereby denied as Moot

DATED: December 13, 2019  
St. Louis, Missouri 63102  
mtc

  
CHARLES E. RENDLEN, III  
U.S. Bankruptcy Judge

Order Prepared by:  
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